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OLC 72-0553

1 May 1972

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Norman Cornish, Foreign Operations and Government Information Subcommittee staff, re Request for Agency testimony on the Freedom of Information Act and Executive Order 11652.

1. Met with Mr. Norman Cornish, Foreign Operations and Government Information Subcommittee staff, in response to his call of Thursday evening concerning the Chairman's letter request of 27 April 1972 for Agency testimony on the Freedom of Information Act and Executive Order 11652. In brief, I told Mr. Cornish that the Director would appreciate being excused from providing a witness for these hearings. In the context of the Anderson papers and other releases of intelligence information, it is necessary to avoid public exposure particularly in a context where the Agency has little or nothing to provide in the way of information for the Committee in its present hearings. We reviewed the Director's response of 30 September 1971 to the Committee request for information relating to the study of the effectiveness of 5 U. S. C. 552 dealing with public information and the Committee's stated purpose to examine the way in which the President's new Executive Order 11652 will affect the economic and efficient operation of the security classification system, the rationale behind its provisions and alternatives to the present approach to this problem of classification and declassification standards. Mr. Cornish agreed that one purpose of the review is to insure that the classification standards established in the Executive Order do not interfere with the public's right to information or to the flow of information within Government. He did not question the fact that the Agency is not involved in the policy formulation relating to classification and declassification standards.

2. Mr. Cornish told me that the Committee will be proposing a statute to replace the Executive Order and said he hoped the Agency would feel free to comment on any aspect of the bill that is of interest to us. I thanked him and told him we would want to comment and at least under present

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considerations I would hope that our comment could be in writing rather than by testimony before the Committee. In response to his query whether such a written response would be processed through OMB, I told him that it would be, but that we have never found this an inhibiting factor in our relations with congressional committees in the past.

3. Mr. Cornish told me that he would be pleased to relay the Director's request to the Chairman. At the moment he sees no reason why the Chairman will not be willing to accede to our request. He will call me as soon as he has a chance to talk with Chairman Moorhead.

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Assistant Legislative Counsel

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